

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Jeremy Ned

v.

Civil No. 15-cv-178-LM

Esker Tatum, Warden, FCI-Berlin

REPORT AND RECOMMENDATION

Petitioner Jeremy Ned, an inmate in the custody of the Federal Bureau of Prisons ("BOP"), filed this habeas action, pursuant to 28 U.S.C. § 2241. In his petition, Ned seeks expungement of a disciplinary incident from his BOP records, and restoration of good time. Before the court is respondent's motion to dismiss the petition as moot (doc. no. 7). Ned has filed an objection (doc. no. 8), and respondent has filed a response (doc. no. 10) to Ned's objection.

Background

On November 13, 2014, Ned was found guilty on a disciplinary charge for fighting, and sanctioned with, among other things, the loss of thirty days of good time. Ned appealed the finding administratively.

Respondent has filed a Declaration of Cheryl Magnusson, a

BOP Legal Assistant, indicating that, as a result of Ned's appeal, the disciplinary report at issue in this case was expunged and his good time was restored, as of December 3, 2015. Doc. No. 7-1, at 1. This expungement was documented on an Inmate Discipline Data Chronological Disciplinary Record ("IDDCDR") dated January 6, 2016, attached to Magnusson's (first) Declaration, id. at 4, and in two documents attached to Magnusson's (second) Declaration: the IDDCDR dated June 8, 2016 (doc. no. 10-1, at 4-8); and the Sentencing Monitoring Good Time Data ("SMGTD") sheet dated June 8, 2016 (doc. no. 10-1, at 10).

Discussion

Federal court jurisdiction is limited to cases that involve "'an actual controversy.'" Campbell-Ewald Co. v. Gomez, 136 S. Ct. 663, 669 (2016), as revised (Feb. 9, 2016) (citations omitted). A case is moot "'when it is impossible for a court to grant any effectual relief whatever to the prevailing party.'" Id. (citation omitted). The record before the court demonstrates that Ned has received all of the relief he seeks in this action, and the court is not able to grant him any further relief. Accordingly, the case is moot and should be dismissed.

Conclusion

For the foregoing reasons, the district judge should dismiss this action. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).



Andrea K. Johnstone
United States Magistrate Judge

August 3, 2016

cc: Jeremy Ned, pro se
Seth R. Aframe, Esq.